

1 **Rule 2-103. Open and closed meetings.**
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3 **Intent:**

4 To establish the Council's responsibility for providing public notice of its meetings and to
5 ensure the opportunity for public attendance at Council meetings.

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7 To establish procedures consistent with the philosophy of the Utah Open and Public
8 Meetings Act.

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10 To provide the Council with sufficient flexibility to close meetings when discussing matters of
11 a sensitive nature.

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13 **Applicability:**

14 This rule shall apply to all meetings of the Council.
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16 **Statement of the Rule:**

17 (1) **Definitions.** As used in this rule "meeting" means the gathering of a quorum of the
18 Council, whether in person or by means of electronic communication, for the purpose of
19 discussing or acting upon any matter over which the Council has jurisdiction, but does not
20 include a chance or social meeting of Council members.
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22 (2) **Public notice of meetings.**

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24 (2)(A) After the Council has set its annual meeting schedule, the administrative office of
25 the courts shall publish on the court's website and on the Utah Public Notice Website the
26 date, time and place of the meetings. At least 24 hours before each meeting, the
27 administrative office of the courts shall post on the websites the meeting agenda and
28 notify at least one newspaper of general circulation within the state of the postings. The
29 administrative office of the courts shall notify a media agency of the postings by email
30 upon request for routine notice. The Council may address a matter not on the meeting
31 agenda but will take no final action on the matter.
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33 (2)(B) When, due to unforeseen circumstances, it is necessary for the Council to
34 consider matters of an urgent nature, the requirement of public notice may be
35 suspended and the best notice practicable given. No such meeting of the Council shall
36 be held unless:

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38 (2)(B)(i) an attempt has been made to notify all members;

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40 (2)(B)(ii) at least a quorum is present; and

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42 (2)(B)(iii) a majority of those present vote to hold the meeting.
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44 (3) **Open meetings.** Meetings of the Council are open to the public unless closed as
45 provided in this rule.

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47 (4) **Reasons for closed meetings.** A closed meeting of the Council may be held for
48 discussions regarding any of the following:

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50 (4)(A) the character, professional competence, or physical or mental health of an
51 individual;

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53 (4)(B) collective bargaining or litigation;

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55 (4)(C) the purchase, exchange or lease of real property if public discussion of the
56 transaction would disclose the appraisal or estimated value of the property under
57 consideration or prevent the Council from completing the transaction on the best
58 possible terms;

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60 (4)(D) the sale of real property if:

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62 (4)(D)(i) public discussion of the transaction would disclose the appraisal or
63 estimated value of the property under consideration or prevent the Council from
64 completing the transaction on the best possible terms;

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66 (4)(D)(ii) the Council has previously given public notice that the property would
67 be offered for sale; and

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69 (4)(D)(iii) the terms of the sale are publicly disclosed before the Council approves
70 the sale;

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72 (4)(E) deployment of security personnel or devices;

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74 (4)(F) allegations of criminal misconduct; or

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76 (4)(G) consideration of a private, protected, sealed, juvenile court social, ~~or~~ juvenile court
77 legal, or safeguarded record as defined in Rule 4-202.02.

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79 (5) **Procedure for closing a meeting.**

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81 (5)(A) A closed meeting may be held only upon the affirmative vote of two-thirds of the
82 members present at an open meeting for which public notice is given, provided a
83 quorum is present.

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85 (5)(B) The recording and minutes otherwise required by Rule 2-104 shall not be made if
86 a meeting is closed to discuss the character, competence, or physical or mental health
87 of an individual or to discuss the deployment of security personnel or devices. The

88 presiding officer shall sign a sworn statement, which is a public record, affirming that the
89 sole purpose for closing the meeting is to discuss the character, competence, or physical
90 or mental health of an individual or the deployment of security personnel, devices, or
91 systems.
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93 **(6) Limit on actions at a closed meeting.** No contract, appointment, rule or resolution may
94 be approved at a closed meeting. A contract, appointment, rule or resolution approved at an
95 open meeting may be based upon discussions had at a closed meeting.
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97 **(7) Limit on discussions outside of closed meeting.** No one who attends a closed
98 meeting may disclose information discussed or materials distributed outside of the closed
99 meeting except with

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101 | (7)(A) others who participated in the closed meeting, and

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103 | (7)(B) a member of the Judicial Council.
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105 **(8) Right of removal.** All or any part of an open meeting may be recorded by any person in
106 attendance, provided the recording does not interfere with the conduct of the meeting. The
107 Council may order the removal of any person who disrupts a meeting.
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109 | **(9) Training.** The administrative office of the courts shall annually train the members of the
110 Council on the requirements of this rule and of Rule 2-104.
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112 *Effective November 1, 2021*